



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Department of Agriculture

☒ **Preproposal Statement of Inquiry** was filed as WSR 10-12-119 ; or
☐ **Expedited Rule Making--Proposed notice** was filed as WSR _____ ; or
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

☒ **Original Notice**
☐ **Supplemental Notice to WSR** _____
☐ **Continuance of WSR** _____

Title of rule and other identifying information: (Describe Subject) Chapter 16-232 WAC, Use restricted herbicides in certain counties.

Hearing location(s):
 North Willapa Harbor Grange Hall
 3198 State Route 105
 Grayland, WA 98547

Date: Nov. 28, 2012 Time: 1 pm

Submit written comments to:

Name: Teresa Norman
 Address: PO Box 42560
 Olympia, WA 98504-2560
 e-mail WSDARulesComments@agr.wa.gov
 fax (360)902-2092 by 5:00 pm November 28, 2012

Assistance for persons with disabilities: Contact

WSDA Receptionist by November 16, 2012

TTY (800) 833-6388 or 711

Date of intended adoption: December 11, 2012
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington State Department of Agriculture Pesticide Management Division is proposing to amend chapter 16-232 WAC in order to restrict the use of two insecticides in the Grayland cranberry growing area to prevent water contamination. The Grayland Cranberry growers instituted the Best Management Practices (BMPs) contained in this Rule Proposal, voluntarily over the last 15 years. Most growers, 85% or more, have already completed the work necessary to comply with this rule. This rule only intends to require the BMPs to all growers, thus creating a fair playing field and preventing further contamination of waterways in Grayland. Continued or greater contamination of waterways in Grayland with these or other pesticides could result in a much greater cost to this industry and their growers through clean up costs and more aggressive restrictions on pesticide use in this area. Further restrictions on this industry could end cranberry growing in this area. The intent of these BMPs is to prevent the further contamination and prevent further more expensive restrictions to growers and the cranberry industry.

The proposed amendments to this chapter include:

- Restricting the use of chlorpyrifos and diazinon when applied to cranberries in Grayland.
- Requiring cribbing and covering of ditches adjacent to cranberry beds in the Grayland area.
- Requiring protection of source water when chemigating cranberry beds with chlorpyrifos and diazinon.

Statutory authority for adoption: RCW 17.21.030 and chapter 34.05 RCW

Statute being implemented: RCW 17.21.030

Is rule necessary because of a:

Federal Law? ☐ Yes ☒ No
 Federal Court Decision? ☐ Yes ☒ No
 State Court Decision? ☐ Yes ☒ No
 If yes, CITATION:

DATE
 October 2, 2012

NAME (type or print)
 Ted Maxwell

SIGNATURE

TITLE
 Acting Assistant Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: October 03, 2012
TIME: 8:42 AM

WSR 12-20-071

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization) Washington State Department of Agriculture

☐ Private

☐ Public

☒ Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Robin Schoen-Nessa	Olympia, WA	(360) 902-2038
Implementation....Cliff Weed	Olympia, WA	(360) 902-2040
Enforcement..... Cliff Weed	Olympia, WA	(360) 902-2040

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

☒ Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Robin Schoen-Nessa

Address: Washington State Department of Agriculture

1111 Washington St SE

PO Box 42560

Olympia, WA 98504-2560

phone (360) 902-2038

fax (360)902-2093

e-mail rsnessa@agr.wa.gov

☐ No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

☒ No: Please explain: The Washington State Department of Agriculture is not a listed agency under RCW 34.05.328(5)(a)(i).